



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the **1st day of September, 2004**

In the matter of the revocation of the interstate and foreign charter air transportation certificates issued to

**AIR-SERV., INC.
d/b/a AIRSERV
d/b/a INDIGO, L.L.C.
d/b/a NEW WORLD AIR HOLDINGS, INC.**

in accordance with section 204.7 of the Department's Regulations

Served: September 1, 2004

**Dockets OST-00-7231
OST-00-7232**

ORDER REVOKING CERTIFICATES

Summary

By this order, we are revoking the interstate and foreign charter passenger certificates issued to Air-Serv., Inc. d/b/a AirServ, d/b/a Indigo, L.L.C., and d/b/a New WorldAir Holdings, Inc. (Air-Serv) for reason of dormancy.¹

Background

By Order 2000-8-1, we found Air-Serv fit to engage in interstate and foreign charter air transportation of persons, property, and mail. That authority was made effective on August 9, 2000 and October 18, 2000, respectively (*See* Orders 2000-8-10 and 2000-10-25). The carrier operated under its certificates until August 19, 2003, when it, its parent company, NewWorldAir Holdings, Inc., and its sister company, Indigo L.L.C., filed voluntary petitions under Chapter 7 of the U.S. Bankruptcy Code and ceased all flight operations. By letter dated August 29, 2003, the Department advised Air-Serv that, pursuant to section 204.7 of the Department's Aviation Economic Regulations (14CFR 204.7), its authority was suspended and it could not resume air transportation operations until the Department had redetermined its fitness to do so. We further stated that, if Air-Serv did not resume operations by August 19, 2004, its authority would be revoked for dormancy.

¹ By notice dated March 14, 2001, the Department registered the use of "Indigo Corporate Jet Airline" as an additional trade name for certain of Air-Serv's air transportation operations.

On May 17, 2004, we advised Air-Serv that nine months had elapsed since its authority was suspended and that we had heard nothing from the company of its intent to resume operations. We reminded the carrier that, unless it intended to resume its operations on or before August 19, 2004, we would revoke its authority without further notice. That date has passed and we have heard nothing from the carrier.

Under these circumstances and in accordance with section 204.7 of our rules, we have decided to revoke Air-Serv's certificate authority. This action is without prejudice to the company's filing for new certificate authority in the future.

ACCORDINGLY, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We revoke the certificate of public convenience and necessity issued to Air-Serv., Inc. d/b/a AirServ, d/b/a Indigo, L.L.C., and d/b/a New WorldAir Holdings, Inc., by Order 2000-8-10, authorizing it to engage in interstate charter air transportation of persons, property, and mail.²

2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall be effective and become the final action of the Department of Transportation upon the expiration of the above period unless, within such period, a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

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<http://dms.dot.gov>

² By this order, we revoke only Air-Serv's interstate certificate. Revocation of the certificate authorizing it to engage in foreign charter air transportation is subject to Presidential review in accordance with 49 U.S.C. section 41307 and will be handled in a separate order.